

PLAINTIFF'S EXHIBITS

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EXHIBIT A

**LAW OFFICES OF KIMBERLY A. ECKERT**  
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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**Lavell H. Jones,**

**Plaintiff,**

**v.**

**State of Arizona, Arizona Board of  
Regents, a political subdivision of the  
State of Arizona, Northern Arizona  
University, a public university,**

**Defendants.**

**CV-19-08210-PCT-DJH**

**AFFIDAVIT**

**I, Lavell H. Jones, upon my oath, under penalty of perjury, hereby state as follow:**

**I was a Black male employed by Northern Arizona University for 6.5 years prior to my termination. I was the only non-student Black full-time bus driver for the majority of the time I was employed at NAU. My main job was to shuttle the students and other passengers around campus, in addition, I was regularly asked and did transport alumni and university management to events after shuttle hours and on the weekends (including the President of the University on multiple occasions). I was never told that there were any**

issues and was asked to assist repeatedly.

Throughout my employment, I was treated differently than non-Black employees. David Morrison was a black full time employee that had worked in this department for three years before I arrived, and the first warning he gave me when I got there is, "watch your back because they don't like our kind here." After five attempts of trying to get promoted to a Lead/Supervisor David quit and moved out of state. The recording of my termination meeting was an example of how Erin Stam treated me differently in terms of how she wanted me to comply with her way of communicating with people, her way of speaking, and her way of handling situations. I am not aware of anyone else she lectured and chastised the way that she did me. Several non-Black employees were hired after me (many of them had accidents with the buses) and were still promoted to Leads/Supervisors over me (which I never had one accident). These employees are Nikki Keesee, Robert Perry, Ginger Haviland and Bill. I was treated differently due to my race. I personally observed that non-Black employees in my same position were treated differently than me. I was denied promotions even though (newly promoted supervisors) and other co-workers repeatedly told me they thought I should have been promoted. My driving credentials were higher than the new hires many who when hire didn't even have a CDL. I had a CDL to drive big-rig trucks. I was personally aware that white employees were promoted to higher positions throughout my tenure as described above. I was asked on multiple occasions why I had not been promoted by my co-workers, I would simply shrug my shoulders and say, "you tell me." I suffered a continued hostile environment and blatant favoritism towards me from my white counter parts and by my director, coordinator and HR Department.

'White employees who were doing the same job as I were paid higher wages and promoted with less experience and tenure over me, Dan Zimmer, John - they told me what they earned. 'White employees, Louie, Bob, Carl, Jessie Morgan, Sophie, Zach, Taylor, McKenzie were allowed to be present during special training meetings and I was not. These employees were included in graduation set up events and promotions and I was not. I was not given supervisory duties like my white counterpart employees. Especially student drivers with no experience at all were put in charge over me.

White employees were even allowed back on campus after being terminated including Dustin and Richard. I was specifically told that I could

not, and was not allowed to come back and visit, nor allowed to go to campus. My pay was even held up by Erin Stam not signing my approval on many extra duty assignments with another department, one time I was forced to wait six weeks because she had refused to sign so I could get paid. I was locked out of the main facility one Saturday during an extra assignment before being put on administrative leave (someone from a different department had to let me inside the door). A White driver cursed out Judy Manor in front of others was fired, and then was pennitted back into the work area from which we all worked (he had already been fired two years before they hired him back that time).

I was called the "N-WORD" twice by a white male student passenger on an extra duty assignment one night at the Aqua Plex, there where over sixty other students (witnesses on that bus that night). A Police Officer had to come escort that student off of the bus. When I informed Judy of the incident nothing was done to the student despite me making numerous complaints or reporting it to them.

Despite the Defendants' admission that there were no prior disciplinary actions prior to this termination. I received warnings that were all related to the racial bias against me. The complaints alleged by the Defendants came from my supervisor who I believe was racist and supported by Stam. I reported these issues to the EEOC and the Defendant in 2016. Only after reporting them Erin, Judy, Nikki and the University to the EEOC that year, they changed my supervisor and I had no further false accusation or write-ups or any disciplinary action. My evaluations show that I performed my duties according to NAU's expectations.

On multiple occasions, the Defendant changed the description of what transpired in three of my evaluations. The Defendant put that, "the student stepped off of the curb into the bus", on my evaluation. But later changed it to state that I hit the student with the bus on my written warning letters.

I repeatedly told human resources that my supervisor Nikki did not like me because of the color of my skin. She was later removed from being my Supervisor/Lead. I had no complaints or false write ups or accusations after that change. That supervisor ended up quitting after I reported her and the University to EEOC in 2016.

Anytime an employee would say something about me, it would be turned from a concern to a complaint, which Erin Stam interpreted as me

being wrong. One of these was that I was "disrespectful to other bus drivers" apparently because I had complained about their behavior with legitimate complaints. It fell upon deaf ears and was never noted as a complaint by me.

One of these warnings was because I closed the door before two young ladies could board the bus, I did so because there was another bus behind me that could take those same two students. Policies states that you are not supposed to let another bus catch up to you, and if they do the bus can leave, and that driver can pick them up. Instead of agreeing I followed policies, my former supervisor Stam wrote me up. Another warning had to do with a white male student stepping off the curb into the bus. My evaluation stated that but, they altered the paperwork to make me look like I hit the student which I deny doing.

A co-worker complained that I "chest bumped him" However, there were more than 40 people in that room and with both of us holding a chair in one hand, and book bags in our other hand. There were no noises or grunts to indicate that that incident was happening at that time and he was at least six inches shorter than me, making it very difficult to bump his chest. It was never reported at that meeting as it never happened. I was accused of wrong-doing two weeks later.

Since my 2016 evaluation, given in 2017, I had no complaints about "my behavior". I had no mentioning of patterns of misbehavior or any problems especially that warranted termination. My assessment is that Erin Stam and Judy Manor did not like how a "Black person acted." I was always ostracized the entire time I worked there, I was isolated to my bus and afraid to speak to others.

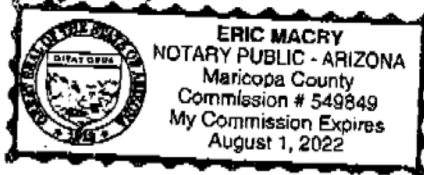
During my tenure with NAU I was subjected to a very hostile work environment, I felt isolated and was prevented from to ability to train or get promoted. I was denied opportunities given to other non-black employees.

|                         |   |      |
|-------------------------|---|------|
| Signature               |  | Date |
| <u>26, October 2020</u> |   |      |
| STATE OF ARIZONA )      |   |      |

Subscribed and sworn to or affirmed before me this: 10/26/2020

By: Lavell Jones

(notary seal)



*[Signature]*  
Deputy Clerk or Notary Public



## EXHIBIT B



**Classified Staff and Service Professional  
Performance Appraisal – SUPERVISOR'S ASSESSMENT**

**EMPLOYEE INFORMATION**

|                             |   |
|-----------------------------|---|
| Employee Name: Lavell Jones | NAU ID (not SSN): 2635111                 |
| Title: Driver, Bus/Tram     | Department: Parking and Shuttle Services  |
| Supervisor: Brian A Eekhoff | Period Rated From: 7/1/2016 To: 6/30/2017 |

**Check one:**

- ☒ Annual assessment  
☐ Probationary assessment (CLS only)  
☐ Other

**I: JOB FUNCTIONS AND STANDARDS**

Describe the job functions / duties for this position for the appraisal period. For each function, describe the expectation or standard of performance. Indicate any changes since the last appraisal. **(Complete/update at beginning of appraisal period.)**

Job Function 1: Operates shuttle bus on campus of NAU. Operates off campus as required.  
Standards: Avoid accidents, adhere to schedule, remove non-authorized notices/posters from shelters.  
Job Function 2: Pre trip inspection of equipment. Minor maintenance, including tire pressure, checking and filling fluids, replacing light bulbs, fueling, etc.  
Standard: Perform each morning as required. Minor maintenance as required. Post trip in evening.  
Job Function 3: Maintains cleanliness of equipment and shelters.  
Standard: Equipment is to be swept at the end of each shift and through out the day as necessary.  
Job Function 4: Professional attitude and customer service.  
Standard: Driver will show professionalism and courtesy to passengers at all times.  
Job Function 5: Assists supervisor.  
Standard: Employee will assist supervisor in developing and maintaining an efficient shuttle bus system.  
Job Function 6: Maintains bus logs and passenger load count logs.  
Standards: Employee will maintain all necessary logs pertaining to the equipment. Employee will also complete load count sheets when required.

**FUNCTIONS AND STANDARDS SUMMARY (complete at end of appraisal period)**

- ☐ **Unsatisfactory Performance:** Did not meet job requirements. Significant improvement needed.  
☐ **Needs Improvement:** Sometimes met job requirements but improvement needed in certain areas.  
☐ **Good Performance** Consistently met and occasionally exceeded job requirements.  
☒ **Very Good Performance** Consistently met and frequently exceeded job requirements.  
☐ **Exceptional Performance:** Consistently exceeded job requirements.

Describe any particular areas of the job functions where employee has excelled, could further develop, and/or needs improvement.

Lavell reports on time to his scheduled shift and leaves on his schedule departure times. Lavell is attentive to the radio communications and occasionally assists other drivers with shift deviations. Lavell performs thorough pre-trip and post-trip inspections and submits accurate load counts. He maintains the cleanliness of his assigned bus and often cleans the windows between bus runs.

Lavell is professional and courteous at all times to his passengers and co-workers. On 4/17/2017 Lavell

**III: BEHAVIORS FOR SUCCESS**

For each of the behavior groups below, use the following guide for rating each section:

**Unsatisfactory Performance:** Failed to meet expectations for most/all behaviors. Significant improvement needed.

**Needs Improvement:** Sometimes met expectations for some behaviors but improvement needed in one or more behaviors.

**Good Performance:** Consistently met and occasionally exceeded expectations for most/all behaviors.

**Very Good Performance:** Consistently met and frequently exceeded expectations for most/all behaviors.

**Exceptional Performance:** Consistently exceeded expectations for most/all behaviors. Role modeled for others.

**Commitment to service**

- Offers assistance, support and feedback to students, employees, and customers.
- Shows initiative, anticipates needs and takes appropriate action to meet needs.
- Projects a positive, consistent image that reflects institutional values.
- Shows an appropriate sense of urgency in completing work and addressing the needs of others.
- Promotes a student-centered approach to all work as it directly or indirectly impacts students.

☐ Unsatisfactory      ☐ Needs Improvement      ☒ Good      ☐ Very Good      ☐ Exceptional

**Commitment to forming and maintaining working relationships**

- Is tactful, honest, and respectful in communications.
- Shows respect for individual differences (lifestyle, behavior, abilities, attitudes, values, and views).
- Demonstrates behaviors that embrace diversity.
- Is approachable and accessible; promotes cooperation.
- Deals maturely, discreetly, and directly with conflict.

☐ Unsatisfactory      ☐ Needs Improvement      ☐ Good      ☒ Very Good      ☐ Exceptional

**Commitment to the mission of the university and work unit**

- Ensures own actions are consistent with the university's mission and work unit's mission.
- Assists others in solving problems and achieving common goals.
- Makes appropriate use of resources in problem solving.
- Supports student success and excellence in their educational experience; promotes educational access for all.

☐ Unsatisfactory      ☐ Needs Improvement      ☒ Good      ☐ Very Good      ☐ Exceptional

**Positive approach to change and improvements**

- Demonstrates receptiveness to new ideas and approaches.
- Is flexible in methods of work completion.
- Shows a willingness to try new methods; takes advantage of learning opportunities.
- Offers constructive solutions for making effective changes.

☐ Unsatisfactory      ☐ Needs Improvement      ☒ Good      ☐ Very Good      ☐ Exceptional

**Personal accountability for own work, words, and actions**

- Operates with honesty and integrity.
- Completes work in a timely manner.
- Asks supervisor to clarify expectations when necessary.
- Exercises confidentiality in all aspects of work.
- Admits mistakes and attempts to learn from them.
- Seeks opportunities for professional growth.
- Solves problems by identifying issues and initiating solutions.
- Follows through on commitments.
- Carries out internal control activities.

☐ Unsatisfactory      ☐ Needs Improvement      ☒ Good      ☐ Very Good      ☐ Exceptional

Complete this section only for those employees who supervise other employees (regular, graduate,



**student or temporary employees):****Fosters a respectful, effective, and trusting work environment**

- Manages employee performance throughout the year and provides frequent feedback.
- Empowers others to make decisions and suggest changes.
- Addresses conflict and brings to a constructive conclusion.
- Accepts responsibility for mistakes and takes corrective action.
- Invites and accepts constructive feedback.
- Uses resources efficiently.
- Leads in a way that promotes a positive work environment.
- Ensures internal control activities are established and clearly communicates expectations about compliance.

☐ Unsatisfactory☐ Needs Improvement☐ Good☐ Very Good☐ Exceptional**BEHAVIORS SUMMARY (complete at end of appraisal period)**

Describe any particular areas of the behaviors for success where employee has excelled, could further develop, and/or needs significant improvement.

Lavell has been a very reliable employee. He has been willing to provide assistance and support to other employees/customers when asked. He projects a positive attitude and is well groomed and dressed appropriately. Lavell has been respectful in his communications with others and when dealing with other employee differences. Lavell has also completes work in a timely manner with the utmost honesty and integrity.

**IV: ADDITIONAL PERFORMANCE INFORMATION**

List accomplishments and contributions not already discussed in previous sections. May update throughout appraisal period.

Lavell had several ride along evaluations during the rating period. He provided good customer service by announcing stops; knows campus/bus stop locations; properly greets arriving and departing passengers; clean bus and music/radio at appropriate levels. His bus was on time and he used proper speed during starts/stops; cornering and at crosswalks.

List training and development opportunities participated in during this appraisal period, including the approximate amount of time spent on each item. May update throughout appraisal period.

|           |  |
|-----------|--|
| 1/11/2017 | Portable Fire Extinguishers  |
| 1/11/2017 | Distracted Driver  |
| 1/11/2017 | Hazardous Driving Conditions   |
| 1/11/2017 | Drivers Safety   |
| 1/11/2017 | ASH-Driver Training  |
| 1/11/2017 | Obstacle Course and Garage Backing   |
| 1/12/2017 | Blood Borne Pathogens  |
| 1/12/2017 | Driving Drowsy, Winter Driving, Aged Tires, Backing, 5 Keys to safety, Aggressive Driving, and Defensive Driving |
| 1/12/2017 | Cleary Act Reporting   |
| 1/12/2017 | Saferide Procedures & Route  |
| 1/13/2017 | Active Shooter, Fire Safety, Bus Smoke Evac Drill  |
| 4/21/2017 | Preventing Harassment & Sexual Violence  |
|           |  |
|           |  |
|           |  |

**OVERALL EMPLOYEE PERFORMANCE**

Considering information from all sections of the appraisal, the employee self-assessment, and (if applicable)

Aug 2015 unlocked

peer or customer input, select the best description of the employee's performance during this appraisal period.

☐ **Unsatisfactory:** Performance failed to meet job requirements, goals and/or expectations for behavior. Immediate and continued improvement is necessary.

☐ **Needs Improvement:** Performance was sometimes acceptable but did not consistently meet job requirements, goals and/or expectations for behavior. Performance improvement needed in one or more areas.

☒ **Good performance:** Performance was dependable and met, and occasionally exceeded, job requirements, goals and expectations for behavior. May still be learning portions of the job, but responds to direction and feedback to enhance performance.

☐ **Very good performance:** Performance consistently met, and frequently exceeded, job requirements, goals and expectations for behavior. Regularly contributed above expected levels for position.

☐ **Outstanding performance:** Performance consistently exceeded job requirements, goals and expectations for behavior. Contributed significantly beyond the expected levels for this position.

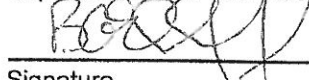
#### FINAL OVERALL COMMENTS

Any final summary comments not already provided elsewhere.

#### ATTENTION SUPERVISORS:

Once the current appraisal is completed, new and continuing goals/expected outcomes, and the most updated list of job functions and standards should be discussed with the employee and entered into a new appraisal form for the next appraisal period.

Brian A Eekhoff, Driver, Lead  
Supervisor Name and Title

 5/17  
Signature Date

Erin Stam; Director, Parking and Shuttle Services  
Dean/Director/Department Head Name and Title

  
Signature Date

It is recommended that the Dean/Director/Department head review this appraisal before providing it to the employee.

Employee comments (optional):

*I think that 9 month employees should be informed ahead of time about route changes or up coming events; not the day of. And also maybe let us have an input on the change (LOL) maybe!*

☐ I wish to attach additional information.

☐ I do not wish to attach additional information.

I understand that my signature indicates that I have seen and discussed this evaluation with my supervisor and received a copy.

Employee Signature  Date 11 May 2017

**If employees disagree with part or all, of the performance appraisal,** they have the right to ask for a specific change from the supervisor. The supervisor has the right to make the change or let the appraisal stand as is. If no change occurs, employees have the right to request a review through the chain of command. Please refer to the **Right of Review policy (#5.02)** in the NAU Personnel Policy Manual. **Note:** there is a 15 day deadline to request this review.



## Ride Along

Driver L.J. (68) Bus# 15 Date 12-6-17 Time 12:40 Route B-JACKS

Pre-Trip completed Properly Yes No N/A (Depending on time of day)

Post trip Completed Properly Yes No N/A (Depending on time of day)

## 1. Customer service

L.J. is very friendly and "upbeat" with passengers - L.J. spoke with passengers the entire time I was on his bus and yet remained focused on ROAD and surroundings

2. On time Yes No3. Proper Speed Yes No In Corners Yes No

L.J. tended to stop at every crosswalk if there were people approaching the crosswalk (10 feet away), therefore, a lot of stop/starts.

4. Announces stops Yes No

Busy talking to passengers - Didn't call out any stops

## 5. Additional Comments

I ~~remained~~ remained on L.J.'s bus from UNION (JACKS, northbound) until PINE RIDGE Staging area.

Examiner BOB #53

received a complement letter from an NAU Staff member. She described the short ride as "Excellent" and commented on the choice of music, greeting of passengers and conversation with another passenger on the bus. This is great customer service and represents the Shuttle Dept. very well. A copy of the comp letter has been placed in his file.

During the down periods of the shuttle operations; Lavell is self-motivated. He completes assigned tasks with little or no supervision in a timely manner.

Lavell has been accident free during this rating period.

## II: GOALS

Goals can be projects to make progress on or complete, job functions or behaviors to be improved, and/or skills and practices that could be further developed. All goals should be consistent with department and university goals.

### GOAL DESCRIPTIONS

**Employee and supervisor should establish goals at the beginning of the appraisal period.** For each goal listed, include expected outcomes for the appraisal period and indicate measures, timelines, and resources.

To meet or exceed minimum expectations in all aspects of this job as outlined in the policy manual.  
 To provide excellent customer service.  
 To be accident/incident free.  
 To better communication with passengers.  
 To clean bus windows more often.  
 To improve written communications.

### PROGRESS REPORT (Optional)

If helpful, use this section to track progress, updates, and changes as many times as needed throughout the appraisal period.

N/A

### GOALS SUMMARY (complete at end of appraisal period)

- ☐ **Unsatisfactory Performance:** *Did not meet most of the expected outcomes of this appraisal period.*  
☐ **Needs Improvement:** *Met some but not all of the expected outcomes for this appraisal period.*  
☐ **Good Performance** *Met the expected outcomes for this appraisal period.*  
☒ **Very Good Performance** *Frequently exceeded the expected outcomes for this appraisal period.*  
☐ **Exceptional Performance:** *Consistently exceeded the expected outcomes for this appraisal period.*

Explain reason for rating.

Lavell has met the minimum expectations in all aspects of his job and has provided excellent customer service. Lavell received a comp letter from an NAU Staff member on 4/17/2017. She described the short ride as "Excellent" and commented on the choice of music, greeting of passengers and conversation with another passenger on the bus. This is great customer service and represents the Shuttle Dept. very well. A copy of the comp letter has been placed in his file.

Lavell has been accident free and I have seen him cleaning the front windows of his assigned bus between bus runs.



**EXHIBIT C**

**Classified Staff and Service Professional  
Performance Appraisal – SUPERVISOR'S ASSESSMENT**

**EMPLOYEE INFORMATION**

|                             |                               |
|-----------------------------|-------------------------------|
| Employee Name: Lavell Jones | NAU ID (not SSN): 2635111     |
| Title: Driver               | Department: Parking & Shuttle |
| Supervisor: Brian Eekhoff   | Period Rated From: To:        |

**Check one:**

- ☒ Annual assessment  
☐ Probationary assessment (CLS only)  
☐ Other

**I: JOB FUNCTIONS AND STANDARDS**

Describe the job functions / duties for this position for the appraisal period. For each function, describe the expectation or standard of performance. Indicate any changes since the last appraisal. **(Complete/update at beginning of appraisal period.)**

Job Function 1: Operates shuttle bus on campus of NAU. Operates off campus as required.  
 Standards: Avoid accidents, adhere to schedule, remove non-authorized notices/posters from shelters.  
 Job Function 2: Pre trip inspection of equipment. Minor maintenance, including tire pressure, checking and filling fluids, replacing light bulbs, fueling, etc.  
 Standard: Perform each morning as required. Minor maintenance as required. Post trip in evening.  
 Job Function 3: Maintains cleanliness of equipment and shelters.  
 Standard: Equipment is to be swept at the end of each shift and through out the day as necessary.  
 Job Function 4: Professional attitude and customer service.  
 Standard: Driver will show professionalism and courtesy to passengers at all times.  
 Job Function 5: Assists supervisor.  
 Standard: Employee will assist supervisor in developing and maintaining an efficient shuttle bus system.  
 Job Function 6: Maintains bus logs and passenger load count logs.  
 Standards: Employee will maintain all necessary logs pertaining to the equipment. Employee will also complete load count sheets when required.

**FUNCTIONS AND STANDARDS SUMMARY (complete at end of appraisal period)**

- ☐ **Unsatisfactory Performance:** Did not meet job requirements. Significant improvement needed.  
☐ **Needs Improvement:** Sometimes met job requirements but improvement needed in certain areas.  
☐ **Good Performance:** Consistently met and occasionally exceeded job requirements.  
☒ **Very Good Performance:** Consistently met and frequently exceeded job requirements.  
☐ **Exceptional Performance:** Consistently exceeded job requirements.

Describe any particular areas of the job functions where employee has excelled, could further develop, and/or needs improvement.

Employee has excelled in customer service and communications technique

**II: GOALS**



Goals can be projects to make progress on or complete, job functions or behaviors to be improved, and/or skills and practices that could be further developed. All goals should be consistent with department and university goals.

#### GOAL DESCRIPTIONS

**Employee and supervisor should establish goals at the beginning of the appraisal period.** For each goal listed, include expected outcomes for the appraisal period and indicate measures, timelines, and resources.

Goals have been met and are continuing to get better... Lavell has continue to display good employee relations and a enthusiastic work ethic...

#### PROGRESS REPORT (Optional)

If helpful, use this section to track progress, updates, and changes as many times as needed throughout the appraisal period.

N/A

#### GOALS SUMMARY (complete at end of appraisal period)

- ☐ **Unsatisfactory Performance:** *Did not meet most of the expected outcomes of this appraisal period.*  
☐ **Needs Improvement:** *Met some but not all of the expected outcomes for this appraisal period.*  
☐ **Good Performance** *Met the expected outcomes for this appraisal period.*  
☒ **Very Good Performance** *Frequently exceeded the expected outcomes for this appraisal period.*  
☐ **Exceptional Performance:** *Consistently exceeded the expected outcomes for this appraisal period.*

Explain reason for rating.

This job requires an individual to be polite, courteous kind and on time... Lavell has shown all of these qualities...

#### III: BEHAVIORS FOR SUCCESS

For each of the behavior groups below, use the following guide for rating each section:

**Unsatisfactory Performance:** *Failed to meet expectations for most/all behaviors. Significant improvement needed.*

**Needs Improvement:** *Sometimes met expectations for some behaviors but improvement needed in one or more behaviors.*

**Good Performance:** *Consistently met and occasionally exceeded expectations for most/all behaviors.*

**Very Good Performance** *Consistently met and frequently exceeded expectations for most/all behaviors.*

**Exceptional Performance:** *Consistently exceeded expectations for most/all behaviors. Role modeled for others.*

#### Commitment to service

- Offers assistance, support and feedback to students, employees, and customers.
- Shows initiative, anticipates needs and takes appropriate action to meet needs.
- Projects a positive, consistent image that reflects institutional values.
- Shows an appropriate sense of urgency in completing work and addressing the needs of others.
- Promotes a student-centered approach to all work as it directly or indirectly impacts students.

☐ Unsatisfactory      ☐ Needs Improvement      ☐ Good      x ☐ Very Good      ☐ Exceptional

**Commitment to forming and maintaining working relationships**

- Is tactful, honest, and respectful in communications.
- Shows respect for individual differences (lifestyle, behavior, abilities, attitudes, values, and views).
- Demonstrates behaviors that embrace diversity.
- Is approachable and accessible; promotes cooperation.
- Deals maturely, discreetly, and directly with conflict.

☐ Unsatisfactory      ☐ Needs Improvement      ☐ Good      x ☐ Very Good      ☐ Exceptional

**Commitment to the mission of the university and work unit**

- Ensures own actions are consistent with the university's mission and work unit's mission.
- Assists others in solving problems and achieving common goals.
- Makes appropriate use of resources in problem solving.
- Supports student success and excellence in their educational experience; promotes educational access for all.

☐ Unsatisfactory      ☐ Needs Improvement      ☐ Good      x ☐ Very Good      ☐ Exceptional

**Positive approach to change and improvements**

- Demonstrates receptiveness to new ideas and approaches.
- Is flexible in methods of work completion.
- Shows a willingness to try new methods; takes advantage of learning opportunities.
- Offers constructive solutions for making effective changes.

☐ Unsatisfactory      ☐ Needs Improvement      ☐ Good      x ☐ Very Good      ☐ Exceptional

**Personal accountability for own work, words, and actions**

- Operates with honesty and integrity.
- Completes work in a timely manner.
- Asks supervisor to clarify expectations when necessary.
- Exercises confidentiality in all aspects of work.
- Admits mistakes and attempts to learn from them.
- Seeks opportunities for professional growth.
- Solves problems by identifying issues and initiating solutions.
- Follows through on commitments.
- Carries out internal control activities.

☐ Unsatisfactory      ☐ Needs Improvement      ☐ Good      ☐ Very Good      x ☐ Exceptional

**Complete this section only for those employees who supervise other employees (regular, graduate, student or temporary employees):**

**Fosters a respectful, effective, and trusting work environment**

- Manages employee performance throughout the year and provides frequent feedback.
- Empowers others to make decisions and suggest changes.
- Addresses conflict and brings to a constructive conclusion.
- Accepts responsibility for mistakes and takes corrective action.
- Invites and accepts constructive feedback.
- Uses resources efficiently.
- Leads in a way that promotes a positive work environment.
- Ensures internal control activities are established and clearly communicates expectations about compliance.

☐ Unsatisfactory      ☐ Needs Improvement      ☐ Good      ☐ Very Good      x ☐ Exceptional

**BEHAVIORS SUMMARY (complete at end of appraisal period)**

Describe any particular areas of the behaviors for success where employee has excelled, could further develop, and/or needs significant improvement.



N/A

**IV: ADDITIONAL PERFORMANCE INFORMATION**

List accomplishments and contributions not already discussed in previous sections. May update throughout appraisal period.

N/A

List training and development opportunities participated in during this appraisal period, including the approximate amount of time spent on each item. May update throughout appraisal period.

N/A

**OVERALL EMPLOYEE PERFORMANCE**

Considering information from all sections of the appraisal, the employee self-assessment, and (if applicable) peer or customer input, select the best description of the employee's performance during this appraisal period.

☐ **Unsatisfactory:** Performance failed to meet job requirements, goals and/or expectations for behavior. Immediate and continued improvement is necessary.

☐ **Needs Improvement:** Performance was sometimes acceptable but did not consistently meet job requirements, goals and/or expectations for behavior. Performance improvement needed in one or more areas.

☐ **Good performance:** Performance was dependable and met, and occasionally exceeded, job requirements, goals and expectations for behavior. May still be learning portions of the job, but responds to direction and feedback to enhance performance.

☒ **Very good performance:** Performance consistently met, and frequently exceeded, job requirements, goals and expectations for behavior. Regularly contributed above expected levels for position.

☐ **Outstanding performance:** Performance consistently exceeded job requirements, goals and expectations for behavior. Contributed significantly beyond the expected levels for this position.

**FINAL OVERALL COMMENTS**

Any final summary comments not already provided elsewhere.

Lavell has the attributes to become a lead driver, he works well with the student and gives them advice when needed...

**ATTENTION SUPERVISORS:**

Once the current appraisal is completed, new and continuing goals/expected outcomes, and the most updated list of job functions and standards should be discussed with the employee and entered into a new appraisal form for the next appraisal period.

Brian Eekhoff

Supervisor Name and Title

Dean/Director/Department Head Name and Title

Signature

Date

Signature

Date

It is recommended that the Dean/Director/Department head review this appraisal before providing it to the employee.

Employee comments (optional):

N/A

☐ I wish to attach additional information.

☒ I do not wish to attach additional information.

I understand that my signature indicates that I have seen and discussed this evaluation with my supervisor and received a copy.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

**If employees disagree with part or all, of the performance appraisal**, they have the right to ask for a specific change from the supervisor. The supervisor has the right to make the change or let the appraisal stand as is. If no change occurs, employees have the right to request a review through the chain of command. Please refer to the **Right of Review policy (#5.02)** in the NAU Personnel Policy Manual. **Note:** there is a 15 day deadline to request this review.

## EXHIBIT D

**Brian A Eekhoff**

---

**From:** Judy Lynne Manor  
**Sent:** Monday, April 17, 2017 11:51 AM  
**To:** Lavell lavell Jones  
**Cc:** Brian A Eekhoff  
**Subject:** FW: Bus ride

Good job LJ!

**From:** Erin Suzanne Stam  
**Sent:** Monday, April 17, 2017 11:42 AM  
**To:** Judy Lynne Manor <[Judy.Manor@nau.edu](mailto:Judy.Manor@nau.edu)>  
**Subject:** FW: Bus ride

A very nice email. Can you identify the driver?

---

**From:** Lauren Copeland-Glenn  
**Sent:** Monday, April 17, 2017 11:37 AM  
**To:** Erin Suzanne Stam  
**Subject:** Bus ride

Hi Erin,

I just wanted to let you know about a bus ride I just had. The driver of bus 11 was really, in the most sincere use of the term, excellent. He played classical music, greeted every passenger as they got on and off the bus, but more importantly he seems to have created relationships with some of the students. I witnessed a conversation between him and another student where they talked about where to get their hair cut (both are African American and finding a good barber can be tough sometimes), commiserating about not having extra money (the driver was in the military and he made the correlation between how broke you are in the military at first and being a student), how far Flagstaff is away from things, and just generally shot the breeze. This seems like such an important act when there are students who feel isolated and are far away from family, to have a friendly adult who can share advice and lend an ear. My ride was only from Rolle to the Union but I think a lot happened in that short amount of time. I'm sure people in your department are not acknowledged enough for the role they can play in the success of students. I just thought I'd let you know.

I hope you have a lovely day.

Sincerely,  
Lauren

---

Lauren Copeland-Glenn  
Coordinator, Equity and Access Office  
Co-chair, Commission on Disability Access and Design (CDAD)  
Northern Arizona University  
(928) 523-5648



# EXHIBIT E

## PDF TRANSCRIPT COVER PAGE

**Robert Perry  
Jones v. State of Arizona**

**June 15, 2020**



Ottmar & Associates, Inc.  
3770 N. 7th Street, Suite 150  
Phoenix, AZ 85014  
T 602.485.1488  
[scheduling@ottmarassoc.com](mailto:scheduling@ottmarassoc.com)

**Court Reporters**

**Videoconference**

**Transcription**

1 Q. Do you recall giving one of these evaluations  
2 that you just described to LJ?

3 A. I don't remember doing that exact instance.  
4 But since he was my direct report, I would say that I  
5 did do it. But I don't recall the event.

6 Q. Can you describe LJ's performance during the  
7 time that you were a supervisor?

8 A. The first thing that comes to mind is that  
9 he's a very good driver and very personable talking  
10 with fellow employees, if I can use the term the gift  
11 for gab. He enjoyed talking.

12 And that he was -- I believe I recall  
13 with him that he was very good at what we called  
14 pre-tripping the bus, which is checking the engine  
15 room, the aisleways, the seats, the outer part of the  
16 body. He would go through all of those pre-trip of  
17 the vehicle and was very good at that.

18 I would observe all of the employees  
19 during the morning, and it could be dark at times.  
20 Sometimes it was early enough that it was dark out,  
21 and sometimes it was light. And seeing him perform  
22 his pre-tripping -- and, again, as I mentioned  
23 earlier, I would sometimes talk with him up where  
24 they would actually sign in just -- what I'm doing is  
25 evaluating that the drivers are in good condition to

1 drive, that no one has any problems going on. And  
2 LJ -- he was on time, and he was a good driver. Yes.  
3 That's all that I can recall at the moment.

4 Q. When you say he was a good driver, what goes  
5 into being a good driver?

6 A. There's a lot for the training, but that --  
7 and I'm just going to have to itemize this as I  
8 remember -- but that he checks his mirrors  
9 accordingly as he's driving. He comes to a complete  
10 stop using his signals. He stays within the speed  
11 limit. He doesn't hit the curbs when he's pulling  
12 into a bus stop. So literally I'm talking of driving  
13 skills that they learn over time.

14 Q. Okay. What about -- what did you observe as  
15 far as interactions with the riders on the bus?

16 A. Yes. He would sometimes -- because I would  
17 go for what is called a ride-along. I would step  
18 onto different buses. Sometimes I would sit in the  
19 back, and sometimes I would sit up by the driver.

20 I would observe his interaction -- or  
21 their interaction with the students and vice versa,  
22 and he was always good at that. All that I ever  
23 observed, he tended to like to talk. He wasn't  
24 always talking. I would do what is called an entire  
25 loop where it goes around the entire campus, and I

1 would be on board a number of times for that. And  
2 sometimes he wouldn't be talking -- would not be  
3 talking, and sometimes he would be talking. It  
4 always seemed pleasant and nice, social conversation.

5 Q. Did you ever have an opportunity to observe  
6 LJ's interactions with co-employees?

7 A. Yes.

8 Q. What did you observe there?

9 A. Huh?

10 Q. What did you observe regarding LJ's  
11 interactions with fellow employees?

12 A. That he was usually upbeat. That is the key  
13 word. He was usually upbeat talking to the fellow  
14 employees. He had times -- and who knows what the  
15 reason might be -- that he would be very quiet and  
16 reflective, and other times he was upbeat.

17 So I would personally -- from my  
18 observation is that sometimes he would be polar  
19 opposites. He would either be very upbeat or very  
20 quiet. I didn't see -- what would be the term? I  
21 don't even know -- just middle of the road. It  
22 didn't seem like he was that way with his  
23 conversations. He was very excited or upbeat or very  
24 quiet and introverted. Maybe that's the word.

25 Q. In your opinion, did LJ enjoy his job?

1 A. Yes.

2 Q. Do you understand that LJ was terminated from  
3 his job at NAU?

4 A. Yes.

5 Q. Did that happen during your employment as  
6 supervisor?

7 A. That's correct. Yes.

8 Q. Prior to LJ's termination, did you have any  
9 discussions with Erin Stam concerning LJ's  
10 performance?

11 A. Not to my recollection.

12 Q. Prior to LJ's termination, did you have any  
13 discussions with Judy Manor about LJ's performance?

14 A. In my mind from your question, I thought --  
15 well, before the event happened, there was no talk of  
16 his performance. After the event, I do not recall  
17 if -- I imagine that I did with Judy, but I don't  
18 recall if that's the case. I just don't recall.

19 Q. By event, are you talking about the incident  
20 on the bus in March of '18 that led to LJ's  
21 termination?

22 A. Correct.

23 Q. Very good. We'll get to that in just a  
24 moment.

25 Was there anyone else in the department



1 that you discussed LJ's performance with prior to the  
2 event?

3 A. Prior to the event? Not to my recollection.

4 Q. If a passenger had a complaint about a  
5 driver, was there a system in place to handle that?

6 A. Yes. They would -- they can call shuttle  
7 services.

8 Q. Do you recall any passenger ever calling and  
9 complaining about LJ?

10 A. I do not recall.

11 Q. If a co-worker had a complaint about a fellow  
12 driver, was there a system in place to handle that?

13 A. Yes. They would come to the supervisor.  
14 They could go to any level they would like, but we  
15 encouraged them to come to their direct supervisor.

16 Q. Did any co-worker ever complain about LJ?

17 A. I do not recall.

18 Q. Well, to you, that you have personal  
19 knowledge about.

20 A. I do know that employees would talk about  
21 other employees. I would either overhear, or they  
22 might come to me directly. But it's more  
23 conversational than a complaint that they want to  
24 further. I don't recall any conversation like that.  
25 But I do know that -- I don't know if it was LJ or

1 someone else -- that I always heard employees talking  
2 about other employees whether good or bad. I seem to  
3 have heard different things like that all the time.

4 Q. Besides LJ's termination and the event  
5 leading up to that, were you involved in any  
6 disciplinary procedures concerning LJ?

7 A. Not that I recall.

8 Q. Do you recall receiving any accolades  
9 concerning LJ?

10 A. Not that I recall.

11 Q. Besides the main duties of driver, were you  
12 aware of any other jobs that LJ performed?

13 A. I believe that he also drove for another  
14 department, which was -- for the life of me, I cannot  
15 remember the name of the other department. I believe  
16 it was the transportation department. He would drive  
17 about -- around the state in completely different  
18 buses. It was buses of another department that he  
19 would drive like -- gosh, I don't even know.

20 I know it was outside our department. He  
21 would drive for some other department at NAU, but I  
22 cannot recall the name of that department.

23 Q. Okay. Do you recall him, for example,  
24 driving alumni to alumni events?

25 A. That's correct. I do recall that.

1 Q. So you just don't know the name of the  
2 department?

3 A. Well -- oh, for the alumni, I believe it was  
4 under our department, and, like, driving the football  
5 team or different events would be under our  
6 department. But there was something that he drove  
7 because I would just overhear him talking about it,  
8 or he would say that he drove another evening for  
9 this other department. But I do not recall the name  
10 of it and what those special driving events were.

11 Q. Do you have any understanding of how people  
12 were chosen for those types of additional driving  
13 jobs?

14 A. No. I never even heard when -- I believe he  
15 had been working for them prior to me working at NAU.  
16 So I didn't hear that. No. But I don't know if  
17 that's the case, if he started after I started  
18 working there or before. I don't know either way.

19 Q. I want to talk about LJ's termination from  
20 employment now and the events leading up to that as  
21 far as your knowledge of those.

22 When did you first learn that LJ was  
23 being considered for termination?

24 MS. REMES: Form and foundation.

25 THE WITNESS: It had to have been -- I do

1           A. Oh, and that the police were called by LJ  
2           and -- now, again, this is viewing the video -- the  
3           person in question was removed. I don't know if he  
4           stepped off or the police came on board. I can't  
5           recall a number of things.

6                       But no. I can't recall after the police  
7           had arrived, and that's the last I recall of it. I  
8           know that's how it ended.

9           Q. Do you recall LJ getting on the loud speaker  
10          and addressing the passengers?

11          A. I do not know if it was on the loud speaker  
12          or if he was using his voice. I do know he was  
13          speaking to all the passengers, yes, at certain  
14          times.

15          Q. Okay. So at some point, did anyone ask you  
16          what your opinion was of the -- of what you observed?

17          A. I don't recall. I remember making the  
18          transcript and turning those in, but I don't -- I  
19          actually do not remember anyone ever asking my  
20          opinion on that.

21          Q. Were you asked to give input into the  
22          termination?

23          A. Not to my recollection.

24          Q. When did you learn that LJ was actually  
25          terminated from employment?



1           A. I was about my business at the -- with the  
2           bus department. I knew I was at work, but I can't  
3           recall if I was called or if even -- I don't know who  
4           told me. I just do not recall.

5           Q. Did you learn about the termination after the  
6           fact?

7           A. I believe so.

8           Q. What was your opinion of what you saw on the  
9           tape?

10          A. I believe that the -- that what we are trying  
11          to present for the students there, which is our  
12          clientele, I was not -- let's see. What would be the  
13          word? I believe LJ acted inappropriately, that he  
14          escalated the issue that could have been put to a  
15          stop.

16                    I mean, there was plenty of time for LJ  
17          to gather his thoughts of which direction this was  
18          going. I think that it was escalated by his  
19          conversation that he was -- it was, like, anger or  
20          whatever, and that that was inappropriate for the  
21          situation.

22                    I'm not sure if that's what you're asking  
23          me. There's a number of reasons. Go ahead and stop  
24          me if I'm not answering your question.

25                    The initial thing that I remember seeing